

Application No. 09/992,469  
Amendment dated November 17, 2003  
Reply to Office Action of July 15, 2003

### **REMARKS**

Independent claims 1-39 are pending. Pursuant to a restriction requirement, claims 9-26 were previously elected for examination. Accordingly, claims 1-8 and 27-39 are cancelled herein without prejudice to refiling in a divisional application.

The Examiner's objections to the disclosure for informalities in the claims have all been addressed by adopting the Examiner's suggested amendments thereto.

Claims 9-20 stand rejected under 35 U.S.C. §112 as indefinite. Claims 9, 10, 12, 15 and 16 are all amended to address the indefiniteness noted in the Action. Accordingly, it is believed the indefiniteness rejection of claims 9-20 is obviated.

Applicants wish to acknowledge with appreciation the Examiner's indication of allowable subject matter in claims 11-14, 16, 19, 20 and 22. Claim 11 is rewritten in independent form to address the indefiniteness rejection noted in its base claim 9 and to include all the limitations in claim 9 so that it, and claim 12 which depends therefrom, should now be in condition for allowance. Claim 13 is rewritten in independent form to address the indefiniteness noted in its base claim 9 and to include all the limitations of claim 9 so that claim 13 should now be in condition for allowance. Claim 14 is rewritten in independent form to address the indefiniteness noted in its base claim 9 and to include the limitations of claim 9 so that it should now be in condition for allowance. Claim 16 is rewritten in independent form to address the indefiniteness noted in its base claims 15 and to incorporate all the limitations of claim 15 so that claim 16 should now be in condition for allowance. Claim 19 is rewritten in independent form to address the indefiniteness noted in its base claim 15 and to include all the limitations of claim 15 so that claim 19, and claim 20 which depends therefrom, should now be in condition for allowance. Claim 22 is rewritten in independent form to include all the limitations of its base claim 21 so that claim 22 should now be in condition for allowance.

Turning to the substantive rejections, claims 9, 10, 15, 17 and 18 stand rejected under 35 U.S.C. §102(b) as anticipated by Gammerler et al. Claims 21 and 23-25 stand rejected under 35 U.S.C. §102(b) as anticipated by Roccabianca et al. Claims 21 and 26 stand rejected under 35 U.S.C. §102(b) as anticipated by EPO 0133945 (hereafter EP '945).

The rejections, as they may apply to the claims presented herein, are respectfully traversed.

Claim 9 is directed to a bundle gripping unit and calls for a housing, and a lower support member and upper clamp member each having retracted and advanced positions. In the retracted positions, the members release bundles, and in the advanced positions, the members cooperate to support bundles for transport thereof. Adjustment controls are provided for the support and clamp members for adjusting their position relative to the housing. In this manner, for small size signature bundles, the members can be disposed closer to the housing, and for larger size bundles, they can be extended further from the housing. Claim 9, as amended, requires that the upper clamp member shift in two transverse directions. Namely, the upper clamp shifts in a first direction between the retracted and the advanced positions thereof, and in a second direction transverse to the first direction when adjusting the position of the upper clamp member closer to or further from the housing. Gammerler et al. fail to disclose or suggest the shifting of an upper clamp member in transverse directions as recited in claim 9.

More specifically, the stack grasper of Gammerler includes a pair of hold down devices 56 and 58. Gammerler et al. teach that each hold down device is secured to a vertically traveling carriage 60 moved up and down by a linear cylinder (column 5, lines 38-45). Gammerler et al. do not teach any other movement of the hold down devices 56 and 58, and certainly do not suggest that a movement of the devices 56 and 58 be provided that is transverse to their movement in the vertical direction. Moreover, Gammerler et al. fail to teach that the hold down devices 56 and 58 have adjustment controls therefor that allow them to be disposed closer to or extended further from a housing, as specified in claim 9. Accordingly, it is believed claim 9 and claim 10 which depends therefrom are allowable over Gammerler et al.

Claim 15 is directed to a unit for transporting signature bundles and recites a housing having an internal space and further specifies housing structure that provides it with a narrow dimension in the widthwise direction. Claim 15 also requires an upper clamp member

respectively engage uppermost and lowermost signatures in the bundle for clamping the bundle therebetween. Claim 15 requires the clamping to occur external of the housing. Power actuators for the members are provided in the internal space of the housing. Gammerler et al. fail to disclose or suggest a housing having an internal space in which power actuators are contained, and further fail to disclose or suggest clamping of a signature bundle with the upper clamp member and lower support member external of the housing.

More specifically, the grasper of Gammerler et al. has four guides 14, 16, 18 and 20 that depend from an upper part 10. There is simply no narrow housing as set forth in claim 15 disclosed or suggested by the guide rails of the Gammerler et al. grasper. Even if it were presumed that the grasper rails defined a housing, then the Gammerler et al. grasper would be deficient in that it does not clamp bundles external of the housing. In fact, it is designed for specifically the opposite arrangement where the guides form a stack receiving space 22 in which stack supports 24 and 26 and hold down devices 56 and 58 cooperate to clamp signature bundles. Accordingly, Gammerler et al. specifically teach away from clamping the bundles external of the stack receiving space 22 formed by the guide rails 14, 16, 18 and 20. Accordingly, claim 15 and claims 17 and 18 which depend cognately therefrom are believed allowable over Gammerler et al.

Claim 21 is directed to the bundle gripping apparatus including a bundle gripping unit having a lower support and an upper clamp head. The upper clamp head has an upper retracted position spaced from the bundle and a lower advanced position for tightly engaging an upper surface of the bundle and clamping the bundle between the clamp head and the lower support. Claim 21 further recites a pivot mount of the clamp head that allows the advanced clamp head to pivot and self adjust for keeping the clamp head in flush engagement with the bundle upper surface despite sloping of the upper surface. It is submitted neither that Roccabianca et al. nor EP '945 disclose or suggest a clamp head having a pivot mount that allows the head to pivot and self adjust, as set forth in claim 21.

More specifically, in EP '945, a pair of top clamp members 46a and 46b are disclosed that can be moved linearly along shafts 49 by operation of respective air

Application No. 09/992,469  
Amendment dated November 17, 2003  
Reply to Office Action of July 15, 2003

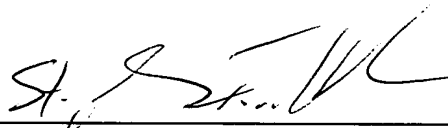
cylinders 53. In order to deal with sloping surfaces as discussed in claim 21, EP '945 teaches that the top clamp members 46a and 46b are independently movable so that different clamping pressures can be applied to each (see paragraph bridging pages 14 and 15 and FIG. 24). However, EP '945 does not disclose or suggest a pivot mount for the clamp members 46a and 46b, and as best seen in FIG. 12, these appear to be rigidly fixed to the respective cylinders 53 therefor.

Roccabianca et al. only disclose grabs 17 and 64, each having a respective presser 33 and 59. The pressers 33, 59 are connected to pistons or power cylinders and are not disclosed as including a pivot mount for this connection as required by claim 21. In fact, presser 59 is disclosed as being fixed to the piston 61 at column 4, lines 17-20. Nothing in Roccabianca et al. or EP '945 suggests the recited pivot mount for an upper clamp member as set forth in claim 21. Accordingly, claim 21, claims 23-26 which depend cognately therefrom are believed allowable over Roccabianca et al. and EP '945.

Based on the foregoing, reconsideration and allowance of claims 9-26 are respectfully requested.

Respectfully submitted,

By: \_\_\_\_\_



Stephen S. Favakeh  
Registration No. 36,798

Date: November 17, 2003

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: 312/577-7000  
Facsimile: 312/577-7007